

Beth E. Borowsky, et al.  
U.S. Serial No: Not Yet Known  
(§371 National Stage Application  
of PCT/US00/14654, filed May 26, 2000)  
Filed: Herewith  
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--33. (Amended) The CHO cell of claim 32 designated CHO-ratsNORF33-7 (ATCC Patent Deposit Designation No. PTA-1807).--

--34. (Amended) The 293 cell of claim 32 designated 293-ratsNORF33-731 (ATCC Patent Deposit Designation No. PTA-1806). --

Applicants attach hereto as Exhibit 1 a Marked-up version of the amendments.

#### REMARKS

This application is a §371 national stage of PCT International Application No. PCT/US00/14654, filed May 26, 2000, designating the United States of America, which claims priority of U.S. Serial No. 09/413,433, filed October 6, 1999, and U.S. Serial No. 09/322,257, filed May 28, 1999. Accordingly, the parent application, PCT International Application No. PCT/US00/14654, is pending today in the United States of America pursuant to 35 U.S.C. §363, and the subject §371 national stage application is co-pending therewith in fulfillment of the provisions of 35 U.S.C. §120.

Claims 1-168 were pending in the subject application. By this Amendment applicants have canceled claims 16-18 and 38-168 without prejudice or disclaimer, amended claims 33 and 34 to

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insert the ATCC Patent Deposit Designation Numbers, and amended claim 1. Accordingly, upon entry of this Amendment, claims 1-15, and 19-37 will be pending and under examination.

Applicants maintain that the amendment to claim 1 raises no issue of new matter. Support for amended claim 1 may be found inter alia in the specification, as originally-filed, at page 12, lines 3-4; page 29, lines 6-10; page 41, lines 23-29; page 51, lines 19-20; page 51, lines 22-24; page 51, line 30 through page 52, line 2; page 75, lines 5-17; page 77, lines 1-5; page 136, lines 1-3; page 137, lines 6-9; page 137, lines 24-27; and Table 4.

Applicants have amended the specification to insert the ATCC Patent Depository No. PTA-1806 and ATCC Patent Depository No. PTA-1807, respectively. Applicants maintain that the amendments to the specification raise no issue of new matter and respectfully request that this amendment be entered. Applicants attach a copy of the ATCC Patent Deposit Designation Numbers hereto as Exhibit 2.

#### Sequence Listing

The Sequence Listing in the subject application is identical to the Sequence Listing in the parent of the subject application, namely PCT International Application No. PCT/US00/14654, filed May 26, 2000. Applicants attach herewith copies of the paper copy of the Sequence Listing (18 pages) and the Statement In Accordance With 37 C.F.R. §1.821(f) which were filed with PCT International Application No. PCT/US00/14654 on May 26, 2000.

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In accordance with 37 C.F.R. §1.821 (e), please use the computer readable form filed in PCT International Application No. PCT/US00/14654 on May 26, 2000 as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the Sequence Listing that will be used for the instant application.

Accordingly, applicants respectfully request that the Amendment be entered.

Information Disclosure Statement

In accordance with their duty of disclosure under 37 C.F.R. § 1.56, applicants would like to direct the Examiner's attention to the following disclosures which are listed on the attached Form PTO-1449 (Exhibit 3) and which were previously cited in connection with the prosecution of U.S. Serial Nos. 09/413,433 or PCT International Application No. PCT/US00/14654 from which the subject application claims benefit under 35 U.S.C. §120. According to 37 C.F.R. §1.98(d), copies of patents or publications that were previously cited by, or submitted to, the Office in connection with such prior applications need not accompany the Information Disclosure Statement. Accordingly, copies of the following references are not attached to this Information Disclosure Statement:

1. European Patent Application EP 0859055 A1, published August

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- 19, 1998;
2. UK Patent Application 2,312,211, published October 22, 1997;
3. Bunzow, et al. (Locus AF200627, GenEmbl, 2000);

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the \$546.00 filing fee for the subject application, is deemed necessary in connection with the filing of this Preliminary Amendment. However, if additional any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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